# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 8807 of 1999

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKIL KURESHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**BECHARBHAI VALABHAI VANIA (DALIT) - Petitioner(s)**

**Versus**

**BALDEVBHAI H KUMBHAR & 12 - Respondent(s)**

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**Appearance :**

MR MUKTESH V PATEL for Petitioner(s) : 1,
MR KIRIT J MACWAN for Respondent(s) : 4, 7, 9,
MS FALGUNI PATEL AGP for Respondent(s) : 11 - 13.

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**CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI**

**Date : 18/11/2005**

**ORAL JUDGMENT**

1. In the present petition primarily what is under challenge is a communication dated 4th December, 1992 issued by the State Government. It is a circular by which the petitioner is placed in a black list. The circular records that the petitioner is in the habbit of

harrasing people and makes false claims and applications. His applications are without merit exaggerated and people of the village are tired of such activities of the petitioner.

2. It is not clear as to what is the exact effect of the said circular. The petitioner as an individual is sought to be placed on black list for what purpose is not indicated therein. No reply has been filed by the State Government to clarify this position. In any case no show cause notice or opportunity of being heard given to the petitioner before passing the said order. If the order was to have any adverse effect against the petitioner it ought to have been preceeded by an opportunity of hearing being given to the petitioner. I see no purpose in surviving such an order. Therefore, despite some delay in filing the present petition after the order was passed, the same is quashed. Rule is made absolute with no order as to costs. I have expressed no opinion on the allegations made by the petitioner in the present petition regarding his harassment.

(Akil Kureshi, J.)

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